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## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

PENGUIN GROUP (USA) INC.,

Plaintiff,

-against-

AMERICAN BUDDHA,

Defendant.

Case No. 09 CIV 00528 GEL

SUPPLEMENTAL DECLARATION OF CHARLES CARREON IN SUPPORT OF REPLY BRIEF IN SUPPORT OF AMERICAN BUDDHA'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

#### **DECLARATION OF CHARLES CARREON**

Charles Carreon hereby declares:

- I am an attorney licensed to practice before all courts in the State of California and Oregon, and state the matters herein of personal knowledge. If called as a witness, I could and would so competently testify.
- 2. This declaration is submitted in response to the Declaration of Thomas Kjellberg (the "Kjellberg Declaration") submitted in opposition to the pending motion of defendant to dismiss for lack of personal jurisdiction. Accordingly, it necessarily spans a wide range of topics and takes in matters that would seem extraneous but for the fact that plaintiff's response seeks to put additional matters, beyond the scope of the pleadings, in issue.
- 3. I have read  $\P\P$  14 21 and  $\P$  25 of the Kjellberg Declaration. In  $\P\P$  14 21 Mr. Kjellberg lists the following essays that I wrote:

What Is Buddhism?

Born In Tibet, Again: The Exile of the 12th Trungpa Tulku

The Revolution Will Not Be Capitalized: Che Guevara
A Legend In His Own Mind – Michael Ruppert Soldiers On
Jack Abramoff's House of Cards
No Good Deed Will Go Unpunished – The Mike Bianca Story
Lucretius, Sage of the First Millennium
The Terrorist Who Loved Me – The Betrayal of Pete Seda

All of these essays are herein jointly referred to as "the essays." Mr. Kjellberg states under oath:

"None of [the essays] ... is reproduced and distributed free on the NaderLibrary.com or American-Buddha.com website."

This is a false statement that Mr. Kjellberg has no excuse for making.

4. First, all of the essays are offered for free reading on American-Buddha.com on a web-page entitled "Charles Carreon, The Arizona Kid" located at http://www.american-buddha.com/arizonakid.toc.htm#loggedin and attached hereto as Exhibit 1. Second, all but two of the essays are available on NaderLibrary.com on page bearing the same title located at http://www.naderlibrary.com/arizonakid.toc.htm and attached hereto as Exhibit 2. Third, it is very easy to find all of my writings on both American-Buddha.com and NaderLibrary.com, just by typing my name into the "Nutch Search Engine" that is provided on the websites, and which is prominently announced on the home page of Nader-Library.com in this fashion:

Topical Research: Go NUTCH!

Working on a term paper? Researching an obscure topic? Looking for works by a particular author? Word search our archives with the Nutch Open Source Search Engine, the same search engine used by the University of Oregon and Creative Commons to power their searches. (Exhibit 3, yellow highlighting added.)

Fourth, a Nutch search can focus on both a title and the author in a single search, so that, for example, a search for "charles + carreon + che + guevara" produces as the first hit, "The Revolution Will Not Be Capitalized: Che Guevara by Charles Carreon at Amer-

- *ican Buddha* ..." as shown in Exhibit 4. Aside from wishing to misrepresent the record, Mr. Kjellberg simply has no excuse for misinforming the Court in this fashion.
- 5. My company, Online Media Law, PLLC, has an account with the Amazon Kindle Wireless Publishing platform. I have published some of the essays under the description "American Buddha biographies" because they first appeared on the American-Buddha.com website; however, American Buddha does not do the publishing or receive the revenue, that goes straight in the Online Media Law, PLLC bank account, and from February December 2008 revenue totalled less that forty dollars. I am the only person who ever logs into the Amazon Kindle; only I know the password, and it is my personal business project. While I am pleased that "What Is Buddhism?" has attained "bestseller" status on Kindle, the description is a bit hyperbolic I have sold less than fifty copies of this work at the modest price of \$1.59 per copy, of which 35% is ultimately paid to Online Media Law, PLLC.
- 6. Neither www.American-Buddha.com, nor www.SixthOrder.com has ever been directed to or targeted at the residents of the State of New York.
- 7. SixthOrder.com is not a library website at all, but rather part of American Buddha's religious mission that is avowedly non-violent. The website name refers to the Sixth Commandment -- "Thou shalt not kill," and was named "Sixth Order" as an homage to the historically significant Third Order of St. Francis of Assisi, that allowed laypersons to take vows to refrain from "bearing arms," thus putting them on an equal footing with monks and nuns, and ended the practice of compulsory military conscription in European Christendom, putting an end to centuries of feudal warfare.
- 8. American Buddha has no commercial activities, and there are no links from any of its websites, NaderLibrary.com, American-Buddha.com, or SixthOrder.com, from which it is possible to make a purchase of any product.
- 9. BadCrazy.com is my personal literary homage to Hunter S. Thompson, the "gonzo journalist" who coined the term "bad craziness." The site does give a link to American-Buddha.com, but does not get one in return. It is in fact a good example of a website that is

totally disconnected from both my legal work and my "spiritual" writing. It is purely literary and has a banner ad that links to http://www.sex.comchronicles.com, discussed further below. It also has Google "AdSense" advertising that produces revenue so miniscule that I have not received a check from Google in over a year, and any checks I have gotten are made out to Online Media Law, PLLC. I pursue such Net-business opportunities in order to learn what my clients, real web-entrepreneurs, are dealing with in the market, and in this endeavor, for example, have discovered that Google advertising is a poor source of revenue for the average website operator. I cannot fathom how Penguin connects BadCrazy.com to NaderLibrary.com, much less the jurisdictional facts at issue in the pending motion.

- 10. I am the author of *The Sex.Com Chronicles A White-Hat Lawyer's Journey to the Dark Side of the Internet*, that tells the story of my experiences as the successful trial lawyer in the lower court proceedings that gave rise to *Kremen v. Cohen*, 337 F.3d 1024 (2003), where in a case of first impression, the Ninth Circuit held Internet domains to be personal property in the State of California. The entire text, that has no salacious content, is expressly dedicated to the enhancement of the strategy and skills of members of the legal profession, and can be read gratis at http://sex.comchronicles.com/chapters. To read the chapters, one must sign up with an email address, and one is then permitted to read three chapters per day.
- 11. I am a domain name recovery lawyer, and hold the registration to 137 domain names, some of which I hold in trust for clients. The domain names NaderLibrary.com and American-Buddha.com are held in trust for American Buddha. Many other domain names are held for the benefit of American Buddha, including for example, American-Budda.com, American-Buddha.net, ChildofFortune.com, ChildofFortune.net, CircleIChing.com, DonJuanMatus.com, FridaDiego.com, HermanHesse.net, MaitreyaSchool.com, MaryShelley.net, SixthOrder.com, SriRamana.net, SymbolJunkies.com, RadioFree-Tantra.com, TantraBaby.com, TimothyLeary.net, and William-Blake.com. Several of these domains, like HermanHesse.net, SriRamana.net, and TimothyLeary.net, are set up

to "redirect" directly to pages on the American-Buddha.com website that are associated with webpages dedicated to these people, who are important to the history of human ideas. In other words, if the Court types one of those domains into a web-browser, the next page viewed will be a specific page at American-Buddha.com that is dedicated to the person whose name is incorporated into the domain name. From a legal viewpoint, I keep these domains in my name to keep people from stealing them, because some of these domains have substantial monetary value, and the first step in stealing a domain is to figure out who you are stealing them from. While I do not wish to congratulate myself in this court filing, the truth is, my reputation as a domain recovery lawyer, based on my work in the Kremen v. Cohen case cited supra, is sufficient to deter most domain thieves, and can save a great deal of work downstream. Additionally, because domain renewals come up yearly, and must be attended to properly at the risk of losing the domain, I have listed myself as the registrant of all these various domains because due to the number of domains I have registered, Godaddy.com provides me with an account representative who will communicate with me personally about any matters pertaining to the domains in my portfolio, providing an extra measure of security against loss.

12. I am not an officer of American Buddha, and initially took an officer's role as incorporator for the sake of convenience to aid in formation, and have not been an officer or director of the company since on or about January 22, 2002, as reflected in Exhibit 5, which are true and correct copies of the corporate records of the company. Pursuant to Oregon statute, a religious non-profit corporation may be comprised of a single director who may also serve as an all-purpose officer. The sole officer of American Buddha is Tara Carreon, as may be seen from page 7 of Exhibit 10 to the Kjellberg Declaration.

I declare and affirm, pursuant to 28 U.S.C. § 1746(2), that the foregoing is true and correct under the law of the United States of America, and that this declaration was signed on March 27, 2009

at Tucson, Arizona.

s/CharlesCarreon

Charles Carreon, Declarant

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## CHARLES CARREON, THE ARIZONA KID









Rage On With Charles at Raging Blog
American Fight Songs, by Charles Carreon
Poetry, by Charles Carreon
The Sixth Order, by Charles Carreon
Ashland Free Press

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Poetry, by Charles Carreon
The Sixth Order, by Charles Carreon

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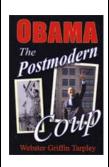
"We have a government of the Exxons, by the General Motors, for the Duponts" --Ralph Nader

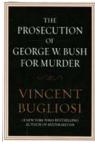
One man tells it like it is -- the world's most powerful corporate families have the rest of the world in a death grip. Our wealth, our health, the health of the planet and the life of future generations are all falling prey to their insatiable greed. One man tells it like it is -the two parties of the old political system have been so twisted by corporate corruption that they are incapable of advancing initiatives that benefit flesh-and-blood people. Our elections are a mockery of honest balloting, as herds of voters, driven in circles of confusion by incessant polling reports on hot-button issues, descend on paperless polling stations or are supplied with

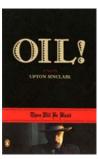
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#### From "Independent Politics," by Howard **Hawkins: Could Nader Win?**

Furthermore, Nader's impact could be far greater than that of a potential spoiler for Kerry. The 2000 National Election Survey data show that only 9 percent of voters who preferred Nader actually voted for him. Fifty percent of Nader supporters didn't vote at all. Twenty-six percent of Nader supporters voted for Gore as the lesser evil to Bush. And 19 percent of Nader supporters voted for Bush as the lesser evil to Gore.

If all the voters who preferred Nader had voted for him in 2000, he would have won the election, receiving 54 million votes to Bush's 43 million and Gore's 38 million (if we add the Nader supporters who voted for their lesser evil to Nader's total and subtract them from Bush and Gore's totals). (These numbers are derived from Harvard political scientist Barry Burden's 2001 study of the National Election Survey data:

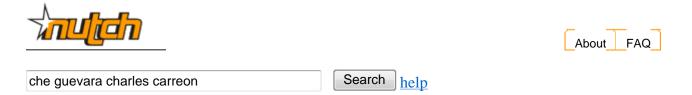
> "Minor Parties in the 2000 Presidential Election")

### **Illustrated Screenplay & Screencap Galleries**

• 7 Faces of Dr. Lao, directed by George Pal,

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## An Oregon Non-profit Corporation

January 22, 2002

SENT VIA FAX - 503/378-4381

Secretary of State Corporate Division 255 Capitol Street N.E., Suite 151 Salem, OR 97310-1327

Re: American Buddha, Registry No. 757959-80

Dear Sir or Madam:

Please make the following changes in our record:

Principal Place of Business: 1131 Barrington Circle, Ashland, OR 97520

President: Tara Carreon, 1131 Barrington Circle, Ashland, OR 97520

Secretary: Ana Carreon, 1131 Barrington Circle, Ashland, OR 97520

Phone No.: 541/482-2321

Fax No.: 541/482-4683

Thanks kindly for your attention to this matter.

Sincerely,

Tara Carreon

President, American Buddha

1131 Barrington Circle Ashland, OR 97520 (t) 541/482-2321 (f) 541/482-4683

### 



Phone: (503) 986-2200-Fax: (503) 378-4381

#### **Amendment to Annual Report**

Secretary of State Corporation Division 255 Capitol St. NE, Suite 151 Salem, OR 97310-1327

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 □ Nonprofit Corporation
 □ Business Corporation
 □ Cooperative
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Name of Entity AMERICAN BUDDHA	
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Ashland, OR 97520	Ashland, OR 97520
0.551055	
4) PRESIDENT (Name and street address)	RS NAME AND ADDRESSES  5) SECRETARY (Name and street address)
Tara Carreon	Ana Carreon
1131 Barrington Circle	1131 Barrington Circle
Ashland, OR 97520	Ashland, OR 97520
6) Execution	
SIGNATURE:	
PRINTED NAME: Tara Carreon	
TITLE: President	
DATE: 1/21/1	
7) CONTACT NAME	DAYTIME PHONE NUMBER – INCLUDING AREA CODE
Tara Carreon	541/482-2321

CR139 (Rev. 3/2001)



An Oregon Non-profit Corporation

January 31, 2002

SENT VIA FAX - 503/378-4381

Secretary of State Corporate Division 255 Capitol Street N.E., Suite 151 Salem, OR 97310-1327

Re: American Buddha, Registry No. 757959-80

Dear Sir or Madam:

I received the enclosed Acknowledgement Letter from your office, but the information is not accurate. First, the principal place of business is changed to 1131 Barrington Circle, Ashland, OR 97520, and Second, the President has changed to Tara Carreon, 1131 Barrington Circle, Ashland, OR 97520. Please make these corrections and send me a corrected Acknowledgement Letter.

Thanks kindly for your attention to this matter.

Sincerely,

Tara Carreon

President, American Buddha

CORPORATION\_DIVISION 1-541 -482 -46 KS JAN. 31. 2002 1:57PM Case 1:09-cv-00528-JGK Document 16 Filed 03/27/09 Page 32 of 32



Secretary or State Corporation Division 255 Capitol Street NE, Suite 151 Salem, OR 97310-1327

Phone:(503)986-2200 Fax:(503)378-4381 www.sos.state.or.us/corporation/corphp.him Registry Number: 757959-80

Type: DOMESTIC NONPROFIT CORPORATION

AMERICAN BUDDHA TARA CARREON 1131 BARRINGTON CIRCLE **ASHLAND OR 97520** 

**Acknowledgment Letter** 

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Name

**AMERICAN BUDDHA** 

Principal Place of Business 1131 BARRINGTON CIRCLE **ASHLAND OR 97520** 

**President** TARA CARREON 1131 BARRINGTON CIRCLE ASHLAND OR 97520

**Registered Agent** TARA CARREON 1131 BARRINGTON CIRCLE **ASHLAND OR 97520** 

Secretary ANA CARREON 1131 BARRINGTON CIRCLE ASHLAND OR 97520

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